



GE Plastics

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U.S. Environmental Protection Agency
EPA West (AIR Docket)
1200 Pennsylvania Ave., NW
Room B108, Mail Code 6102T
Washington, DC 20460

RE: Comments on the Proposed Amendments to the National Emission Standards for
Hazardous Air Pollutants: General Provisions
Docket ID No. OAR-2004-0094

Administrator Johnson:

The General Electric Company (“GE”) is pleased to submit the following comments on EPA’s proposed revisions to the General Provisions for Clean Air Act Section 112. 70 *Fed. Reg.* 43992 (July 29, 2005).

GE is a large and diversified manufacturing and services company with a number of facilities that are affected by this rulemaking. GE is involved in the manufacture of a wide array of consumer and industrial goods, from aircraft engines, lighting products, and efficient electric generation, distribution and control systems, to appliances, locomotives, medical equipment, and high-grade engineering resins.

GE is generally supportive of EPA’s proposed changes to the rules. Our comments below request some changes for both the General Provisions and for some particular National Emissions Standards for Hazardous Air Pollutants (NESHAPs) that were apparently overlooked in drafting this proposal, and we request that these changes be included in the final rule.

§63.1108(b)(2)(i)

The Generic MACT (Subpart YY) contains its own SSM provisions at §63.1111. Subpart YY does not incorporate §63.6. *See* §63.1100(b). Thus, EPA's proposal to change the reference in §63.1108(b)(2)(i) from §63.1111 to §63.6(e) is inappropriate. The reference to the applicable SSM provision should remain §63.1111. Accordingly, GE requests that EPA's proposed change not be implemented.

§63.1111(a)(2)

The analog in Subpart YY to Subpart A's SSM provisions is §63.1111. As noted above, Subpart YY does not incorporate §63.6. Thus, the text in §63.6(e)(1)(i) concerning what the general duty to minimize emissions does not require (added to the General Provisions ("GP") in the May 30, 2003 amendments) is not a part of Subpart YY. However, it would be appropriate to include this language in §63.1111. Accordingly, GE requests that this language be added to §63.1111(a)(2) as follows [new language underlined, deleted language struck-through]:

(a) *Startup, shutdown, and malfunction plan.*

(1) ***

(2) *Operation of source.* During periods of startup, shutdown, and malfunction, the owner or operator of an affected source subject to this subpart shall operate and maintain such affected source (including associated air pollution control equipment and CPMS) in a manner consistent with safety and good air pollution control practices for minimizing emissions to the extent practical. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (a)(1) of this section), review of operation and maintenance records, and inspection of the source.

§63.102(a)(4)

The Hazardous Organic NESHAP (HON) does not incorporate §63.6(e)(1)(i), the provision noted above that addresses what the general duty to minimize emissions does not require (added in the May 30, 2003 amendments). For the same reasons that GE requested that portions of the these amendments of §63.6(e)(1)(i) be added to the Generic MACT, GE also requests that these

provisions be added to §63.102(a)(4) of the HON (Subpart F) as follows [new language underlined, deleted language struck-through]:

(a) Owners and operators of sources subject to this subpart shall comply with the requirements of subparts G and H of this part.

(1) ***

(2) ***

(3) ***

(4) During start-ups, shutdowns, and malfunctions when the requirements of this subpart F, subparts G and/or H of this part do not apply pursuant to paragraphs (a)(1) through (a)(3) of this section, the owner or operator shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the extent practical. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such measures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in §63.6(e)(3)(i)), review of operation and maintenance records, and inspection of the source. ~~For purposes of this paragraph, the term “excess emissions” means emissions in excess of those that would have occurred if there were no start-up, shutdown, or malfunction and the owner or operator complied with the relevant provisions of this subpart F, subparts G and/or H of this part.~~ The measures to be taken shall be identified in the applicable start-up, shutdown, and malfunction plan, and may include, but are not limited to, air pollution control technologies, recovery technologies, work practices, pollution prevention, monitoring, and/or changes in the manner of operation of the source. Back-up control devices are not required, but may be used if available.

§§63.5555(d), .6140(c), .7935(f), .8248(b)(1), .8470(e), .8620(e), .9810(e)(2)

Many of the Part 63 provisions proposed for amendment in the July 29 NPRM discuss when a deviation is not a violation. Most of these provisions use the same language – operate “in accordance with §63.6(e)”. See §§63.1258(b)(8)(iv), 63.1366(b)(8)(iv), 63.1413(h)(5), 63.1416(h)(2)(iv), 63.1439(h)(2)(iv)(A), 63.1453(c)(1)(ii), 63.1547(g)(2), 63.1570(g), 63.1656(e)(2)(ii), 63.2271(b)(2), 63.3163(h), 63.3542(h), 63.3552(g), 63.4163(h), 63.4342(h), 63.4352(h), 63.4763(h), 63.5900(e), 63.6640(d), 63.7121(d), 63.7336(b), 63.7540(d), 63.7746(b)(1), 63.7835(b)(1), 63.8691(d), 63.8812(d), 63.9040(e), 63.9340(c)(1), 63.9530(e), 63.9637(b)(1), and 63.9925(b)(1).

However, several provisions employ different language for no apparent reason:

- operate “according to the provisions in §63.6(e)”. *See* §63.5555(d).
- operate “according to the requirements of §63.6(e)”. *See* §§63.8248(b)(1), 63.8470(e), and 63.8620(e).
- operate “according to §63.6(e)”. *See* §§63.7935(f) and 63.9810(e)(2).
- operate “in full conformity with the general duty to minimize emissions established by §63.6(e)(1)(i)”. *See* §63.6140(c).

GE believes that consistency among all of these provisions would reduce ambiguity, so GE requests that four different uses in the seven enumerated sections noted immediately above be revised to read as the majority of the provisions do, i.e., operate “in accordance with §63.6(e)”.

Subpart GGGGG

The proposed amendments to subpart GGGGG (Site Remediation MACT) in the July 29 NPRM on page 44007 do not propose to delete language that is proposed for deletion in other MACT standards. In Table 3 of subpart GGGGG, at the line item for §63.8(c)(1)(i) (“Routine and Predictable SSM”), the first sentence of the “Brief Description” describes the requirement as “Follow the SSM plan for routine repairs.” Similar sentences in other subparts were proposed in the July 29 NPRM to be deleted. *See, e.g.*, Table 12 to subpart EEEE; Table 10 to subpart UUUU; and, Table 10 to subpart DDDDD. Accordingly, the first sentence of the line item for §63.8(c)(1)(i) (“Routine and Predictable SSM”) in Table 3 of subpart GGGGG should be deleted.

Please contact me if you have any questions.

Respectfully,

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